

1099 NEW YORK AVENUE, NW SUITE 900 WASHINGTON, DC 20001-4412

JENNER & BLOCK LLP

December 8, 2023

David W. DeBruin
Tel +1 202 639 6015
DDeBruin@jenner.com

VIA ECF

Hon. Andrew T. Baxter
Chief U.S. Magistrate Judge
United States District Court for the Northern District of New York

Re: ***Doe v. Syracuse University et al.*, 5:21-cv-00977-GLS-ATB**
Joint Request to Schedule Initial Rule 16 Conference

Dear Chief Magistrate Judge Baxter:

My firm represents Defendant Syracuse University and Calcaterra Law PC represents the Plaintiff in this matter, and I am writing on behalf of both parties to address scheduling in response to Judge Sharpe's order of December 1, 2023. That order directed the parties "to contact the magistrate judge within seven (7) days of this TEXT ONLY ORDER to schedule further proceedings in light of the Mandate, which vacated the dismissal of plaintiff's Title IX retaliation claim." ECF No. 38. The parties hereby jointly request that this Court schedule the initial Rule 16 conference for the week of January 22, 2024.

By way of background, Plaintiff Jane Doe filed this action on August 30, 2021, alleging violations of federal and state law. *See* ECF No. 1. On that date, an order was entered scheduling an initial Rule 16 conference by telephone for November 30, 2021. *See* ECF No. 3. That conference was subsequently adjourned without date by this Court after the University filed its motion to dismiss. *See* ECF No. 7. Judge Sharpe later granted the University's motion to dismiss, after which Plaintiff appealed. As a result, no Rule 16 conference has been held, nor have the parties completed other actions tied to the scheduling of the initial Rule 16 conference, namely holding a Rule 26(f) conference, exchanging Rule 26 initial disclosures, or submitting a civil case management plan.

Those steps are now necessary because the court of appeals reinstated one of Plaintiff's claims. Accordingly, the parties jointly request the scheduling of the initial Rule 16 conference for the week of January 22, 2024, which will allow the parties time to complete the actions tied to the scheduling of that conference—including holding the Rule 26(f) conference at least 21 days in advance, and exchanging Rule 26 initial disclosures and submitting a civil case management plan at least one week in advance.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ David W. DeBruin
David W. DeBruin

December 8, 2023

Page 2

cc: All Counsel of Record by ECF